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OFFICE OF PETITIONS

In re Application of :
Bruce Joseph Roser :
Application No. 10/679723 :
Filed: 10/06/2003 :
Patent No. 7220836 :
Issued: 05/22/2007 :
Attorney Docket Number: :
GJE-6089D3 :
ON
REQUEST FOR RECONSIDERATION
OF PATENT TERM ADJUSTMENT

This is a decision on the "Petition Under 37 CFR 1.182 Request for Restoration of Patent Term Adjustment" filed May 23, 2008. The petition is properly treated as a request for reconsideration of patent term adjustment under 37 CFR § 1.705(d).

The request for reconsideration of patent term adjustment is **DISMISSED AS UNTIMELY FILED.**

On May 22, 2007, the application matured into U.S. Patent No. 7,220,836, with a revised patent term adjustment of 306 days. More than 1 year later, on May 23, 2008, patentee submitted this request for reconsideration of patent term adjustment (with required fee).

Patentees are advised that § 1.705(d) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the issued patent. See § 1.702-1.705. Moreover, § 1.705(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could

have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

Under 37 CFR § 1.705(d), reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued. Patentees filed the present petition more than two (2) months after the issue date of the patent. As such the petition is untimely.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. Patentee's deposit account has been refunded the difference between the fee for a petition under 37 CFR 1.182 (\$400.00), and the fee for an application for patent term adjustment (\$200.00), or \$200.00.

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions